

**PSJ14 Janssen Opp Exh 4 – Guenther Dep (dep not cited in
appendices)**

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No. 17-md-2804

Judge Dan Aaron

This document relates to: Polster

The County of Summit, Ohio, et al.  
v. Purdue Pharma L.P., et al.  
Case No. 1:18-OP-45090 (N.D. Ohio)

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Videotaped deposition of
GARY GUENTHER

October 16, 2018

9:03 a.m.

Taken at:
Brennan, Manna & Diamond
75 East Market Street
Akron, Ohio

Renee L. Pellegrino, RPR, CLR

1 as a result of your professional experience, and
2 asked you to contribute to some report they were
3 writing?

4 A. No.

5 Q. Do you agree, based on your
6 experience in the field, that Summit County is
7 currently dealing with a heroin epidemic?

8 A. I think things are starting to
9 change. 2015, 2016, 2017, we had huge increases
10 in the number of deaths that we had from, you
11 know, the heroin and fentanyl. Talking with our
12 toxicologist and seeing things, cases getting
13 signed out today, we're seeing a lot more
14 methamphetamines, coke and pure fentanyl, not
15 your analog. I mean, you still get them here
16 and there, but not like 2015, '16, '17.

17 Q. The pure fentanyl that you're seeing
18 today, is that illicit?

19 A. Most of the evidence we bring back,
20 I want to say yes, because it's in powder form
21 and bindles and that. You know, from past
22 experience, I'm used to seeing fentanyl, you
23 know, the patches on the cancer patients and
24 that. That's where I'm used to seeing it, you
25 know.

1 Q. So when you see legal or
2 prescription fentanyl in the course of your
3 work, it's been not in the overdose context but
4 in a cancer treatment patient, a hospital
5 setting predominantly?

6 MS. HERMIZ: Objection to form.

7 A. I can't give you names, but I know
8 we've had cases that come through as overdoses
9 where you do an exam and find that -- you know,
10 you'll find one of those patches in the stomach.
11 So I've seen those patches used, you know, in
12 overdose deaths before.

13 Q. And so I understand that you've seen
14 it. I'm just trying to figure out if it's
15 something you can make a generalization about.
16 If it's not, tell me. But is it generally true
17 that the majority of overdoses that your office
18 determines are attributable to fentanyl over the
19 course of your career has been illicit or
20 illegal fentanyl --

21 A. Yes.

22 Q. -- and fentanyl analogs?

23 A. Yes, especially in the most recent
24 years.

25 Q. Okay. Currently, still seeing

1 carfentanil?

2 A. We are seeing it but not like 2016.
3 That would be more questions to ask the
4 toxicologist.

5 Q. Are you seeing any other illegal
6 drugs currently in a high enough volume that
7 they're notable to you?

8 MS. HERMIZ: Objection to form.

9 A. I'm seeing cocaine a lot more.

10 Q. What I was trying to do was build an
11 exhaustive list. So you mentioned that -- I
12 wrote down methamphetamine, coke and pure
13 fentanyl.

14 A. Yes.

15 Q. Are those kind of the big -- the
16 three most prevalent substances you've seen?

17 A. It seems to be, yes.

18 Q. So going back to my question about a
19 heroin epidemic, if I asked you that question,
20 whether Summit County was dealing with a heroin
21 epidemic in 2015, what would you say?

22 A. That was a big uptick in cases.

23 Q. Was Summit County dealing with a
24 heroin epidemic in 2016?

25 A. Yes.

1 Q. And in 2014 you found 144 and on
2 this slide for 2014 it's 156. Do you see that?

3 A. Yep.

4 Q. Now, do you have any explanation --

5 A. I can't explain that, no.

6 Q. Would it be -- and I'll say unusual,
7 in your experience, for the number of drug
8 overdose deaths this long after 2013 and 2014 to
9 climb?

10 MS. HERMIZ: Objection to form.

11 A. The only thing -- yeah. I can't
12 explain it. I don't know. I don't know where
13 Dr. Kohler got her numbers. Like I said, I take
14 these calls sitting at my desk. I usually go
15 turn around while I'm on the phone, hit the --
16 get in the case database and look up the numbers
17 that way. Whatever is there I report.

18 Q. Okay. We've talked some about
19 fentanyl.

20 A. Okay.

21 Q. When -- in your experience, when did
22 fentanyl start to show up in drug overdose
23 autopsy investigations?

24 MS. HERMIZ: Objection to form.

25 A. I think we've always had, like I

1 said, and I've seen cases from years and years
2 ago where, you know, they do an autopsy and find
3 a fentanyl patch that the person chewed or find
4 somebody dead at the scene that's got the patch
5 still in their mouth, you know. I want to say
6 I'm sure those cases were fentanyl overdoses.
7 But it really started becoming, you know --

8 Q. In this 2013, '14, '15, '16 time
9 frame?

10 A. Yes. I mean, it's not like we never
11 had them prior to those years. We've had them
12 before, but I can't give you the numbers.

13 Q. All right. I'm going to jump around
14 maybe just a little bit here, and I'm just
15 looking at my notes to see if I have anything
16 more.

17 When you go to a scene
18 investigation, do you have a role in securing
19 that scene normally? Let's say the police are
20 not there. Do you have a role in making sure
21 the scene is secure and that evidence is
22 preserved and that sort of thing?

23 A. Well, if -- police are almost 99.9
24 percent of the time there when our investigator
25 gets there. Once we're done collecting our